

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NICOLAS ESTEBAN CAVIERES  
GOMEZ,

Petitioner,

v.

CHRISTOPHER CHESTNUT, *et al.*,

Respondents.

Case No. 2:25-cv-00975-GMN-BNW

**ORDER GRANTING APPLICATION TO  
PROCEED IN DISTRICT COURT  
WITHOUT PREPAYING FEES OR  
COSTS; SCREENING PETITION;  
GRANTING MOTION FOR  
APPOINTMENT OF COUNSEL; AND  
SERVING PETITION**

This is a habeas corpus action brought under 28 U.S.C. § 2241 by Nicolas Esteban Cavieres Gomez, who, according to his petition, is incarcerated at the Nevada Southern Detention Center. On June 2, 2025, Gomez filed an Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 1), a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1-1), and a Motion for Appointment of Counsel (ECF No. 1-2).

Based on the information in the Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 1), the Court determines that Gomez is unable to pay the filing fee for this action and that he qualifies to proceed *in forma pauperis*. The Court will grant Gomez's application.

The Court has examined Gomez's habeas petition under Rule 4 of the Rules Governing Section 2254 Cases. See Rule 1(b), Rules Governing Section 2254 Cases (district court may "apply any or all of these rules" to any habeas petition). The Court determines that Gomez's petition merits service.

Prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances indicate that appointed counsel is necessary to prevent due process violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling*

1 *v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The court may, however,  
2 appoint counsel at any stage of the proceedings if the interests of justice so require.  
3 See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*,  
4 801 F.2d at 1196. Gomez's filings indicate that this action may be complex and that he  
5 may not be able to litigate this action *pro se*. The Court finds that appointment of  
6 counsel is in the interests of justice. The Court will grant Gomez's motion for  
7 appointment of counsel (ECF No. 1-2).

8 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed in District  
9 Court Without Prepaying Fees or Costs (ECF No. 1) is **GRANTED**. Petitioner is granted  
10 leave of court to proceed *in forma pauperis*. Petitioner will not be required to pay the  
11 filing fee for this action.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court is kindly directed to  
13 separately file the Petition for Writ of Habeas Corpus (ECF No. 1-1) and the Motion for  
14 Appointment of Counsel (ECF No. 1-2),

15 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel  
16 (ECF No. 1-2) is **GRANTED**. The Federal Public Defender for the District of Nevada  
17 (FPD) is appointed to represent Petitioner. If the FPD is unable to represent Petitioner,  
18 because of a conflict of interest or for any other reason, alternate counsel will be  
19 appointed. In either case, counsel will represent Petitioner in all federal court  
20 proceedings relating to this matter, unless allowed to withdraw.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to  
22 electronically serve upon the FPD a copy of this order, together with a copy of the  
23 Petition for Writ of Habeas Corpus (ECF No. 1-1).

24 **IT IS FURTHER ORDERED** that the FPD will have 20 days from the date of  
25 entry of this order to file a notice of appearance or to indicate to the Court its inability to  
26 represent Petitioner.

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1           **IT IS FURTHER ORDERED** that the Clerk of the Court is kindly directed to serve  
2 copies of the Petition for Writ of Habeas Corpus (ECF No. 1-1) and this order upon  
3 Respondents as follows:

4           1. By serving a copy of the Petition for Writ of Habeas Corpus (ECF No. 1-1) and  
5 this order on the United States Attorney for the District of Nevada, by electronic means,  
6 in accordance with Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure.

7           2. By sending a copy of the Petition for Writ of Habeas Corpus (ECF No. 1-1)  
8 and this order by mail to: (1) Kristi Noem, Secretary of the U.S. Department of  
9 Homeland Security, Washington, DC 20528; (2) Pam Biondi, Attorney General, U.S.  
10 Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC, 20530; and  
11 (3) U.S. Immigration and Customs Enforcement, 501 S. Las Vegas Blvd., Ste. 200,  
12 Las Vegas, NV 89101, in accordance with Rule 5(b)(2)(C) of the Federal Rules of Civil  
13 Procedure.

14           **IT IS FURTHER ORDERED** that counsel for Respondents will have 20 days from  
15 the date of entry of this order to appear in this action. Respondents will not be required  
16 to respond to the Petition for Writ of Habeas Corpus (ECF No. 1-1) at this time.

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18           DATED THIS 4 day of June, 2025.

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22           GLORIA M. NAVARRO  
23           UNITED STATES DISTRICT JUDGE  
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